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CASE OP/4-31363A

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

ROMULUS KIMBRO BRAZZELL

Examiner: Kathryn Thompson

APPLICATION NO: 09/814,572

Group Art Unit: 3763

FILED: MARCH 22, 2001

FOR: METHOD FOR TREATING NEOVASCULARIZATION

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

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DEC 29 2003
TECHNOLOGY CENTER R3700

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This is in response to the Office Action mailed October 21, 2003 having a shortened one (1) month period for response which expired on November 21, 2003. Applicant encloses herewith a petition for a one month extension of time together with authorization to deduct the appropriate fee.

REMARKS

The Examiner has indicated that the claimed subject matter is drawn to two distinct inventions and has required restriction to one of the following inventions, Group I: Claims 1-15, drawn to a method for treating unwanted neovasculature in a subject; and Group II: Claims 16 and 17, drawn to a kit. Applicant provisionally elects, with traverse, to prosecute the invention of Group I: Claims 1-15, drawn to a method for treating unwanted neovasculature.

35 U.S.C. § 121 maintains that for a proper requirement for restriction, the dual criteria of the statute must be met, that is, the application must contain two or more inventions which are both (1) "independent" and (2) "distinct" from one another. According to the U.S. Patent and Trademark Office's own definition, "independent" means "there is no disclosed relationship between the two or more subjects disclosed, that is they are unconnected in design, operation or effect..." [Emphasis added]. (Section 802.01 of the Manual of Patent Examining Procedure).